

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1248 OF 2014

- 1) The Managing Director,
The Maharashtra State Co-operative
Marketing Federation Ltd,
Mumbai-400009
- 2) The Factory Manager,
Vaibhav Pashu Khadya Karkhana
Bor Vihir, Dhule, Tq. & Dist. Dhule ...PETITIONERS

VERSUS

Shaukat Khan s/o Ahmad Khan Pathan,
Age: 55 years, Occ. Service,
R/o Shantinagar behind 'Santecas'
Company, Aurangabad Road,
Jalna, Tq. & Dist. Jalna ...RESPONDENT

Mr D. N. Suryawanshi, Advocate for petitioners;
Mr P. G. Deshmukh, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 20th January, 2015

ORDER

By this writ petition, the petitioners seek to challenge the order dated 27th November, 2013, passed by Industrial Court, Dhule, in Revision No.24 of 2010, thereby confirming the judgment and order dated 26th July, 2010, passed by Labour Court, Dhule, in Complaint (ULP) No.25 of 2005.

2. The admitted fact on record is that the services of the respondent herein were terminated without issuing any charge-sheet and without conducting any enquiry. As such, the Labour Court, by judgment and order dated 26th July, 2010, passed in Complaint (ULP) No.25 of 2005, has granted relief of reinstatement in service, with continuity of service and full back wages.

3. The Labour Court has taken into account the fact that the petitioners have not entered into the witness box and despite reasonable opportunity, have not participated in the argument.

4. The fact remains that neither any charge-sheet was issued nor any enquiry was conducted against the respondent – employee.

5. The verdict given by the Labour Court was subject-matter of revision, in Revision (ULP) No.24 of 2010, which also came to be dismissed, by judgment and order dated 27th November, 2003, in the background of above referred conduct of the petitioners,

6. Learned Counsel appearing on behalf of the petitioners has invited my attention to the conduct of the respondent herein and stated, he remained absent from duty from 4th December, 1991 to 29th May, 2002. He further urged that the respondent had given an undertaking on a

stamp paper dated 17th May, 2002, that from 1991 till the date of his reinstatement he shall not claim any back wages. He has also invited my attention to the documents, such as, memo issued to the respondent, the job chart, the show cause notice, etc. According to him, the said documents could be read in evidence as against the respondent herein. The said contentions of the petitioners can not be accepted as it is settled position of law, that no punishment can be imposed without conducting an enquiry against the employee. Even the service conditions of the respondent – employee contemplate an enquiry against him.

7. In the light of above, no case for interference is made out. Writ Petition, therefore, stands dismissed with no order as to costs.

(N.W. SAMBRE, J.)

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